

Date: 23 October 2019
My Ref: E19/0336/BOCND
Your Ref:
Contact: Jonathan Hodge
Tel No: 0116 272 7528
Fax No: 0116 272 7594
Email: planning.enforcement@blaby.gov.uk

FAO Company Secretary
Nottingham Community Housing Association Limited
12-14 Pelham Road
Nottingham
NG5 1AP.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

FAO Company Secretary

TOWN & COUNTRY PLANNING ACT 1990 AS AMENDED

**BREACH OF CONDITION ENFORCEMENT NOTICE RELATING TO LAND AT
CROFT, COSBY, LEICESTERSHIRE**

This local planning authority, Blaby District Council has issued a Breach of Condition Enforcement Notice relating to the above land. This Notice is being served on you because you are the owner of the land concerned.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on **21st November 2019** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **21st November 2019**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

Cat Hartley, Planning & Economic Development Group Manager

Cont'd.....



(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £1386.00. You should pay this to Blaby District Council. Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Yours sincerely



Jonathan Hodge
Senior Enforcement Officer

Enc

Breach of Condition

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: Blaby District Council

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at Croft Road, Cosby, Leicestershire, shown edged red on the attached plan. ('the Land')

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

The removal of approximately 32m of existing native hedgerow (shown hatched green) on the attached plan, in contravention of Condition 4 relating to planning permission reference 19/0299/VAR.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breaches of planning control have occurred on the Land to which this notice relates within the last ten years.

The breach lies on the Land which is located within the village of Cosby, Leicestershire, which is situated within a Settlement Boundary as set out on the Policies Map where policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) applies, as well as policy CS19 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) apply.

Policy DM1 states that:

'Within the Settlement Boundaries, as set out on the Policies Map, development proposals consistent with other policies of the Local Plan will be supported where the following criteria are met. The development proposal will:

a) Provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, including but not limited to, consideration of:

- i. privacy, light, noise, disturbance and overbearing effect;*
- ii. vibration, emissions, hours of working, vehicular activity.*

b) Be in keeping with the character and appearance of the area;

c) Not result in the overdevelopment of the site due to factors including footprint, scale and massing;

d) Have a satisfactory layout, design and external appearance; and,

e) Not prejudice the comprehensive development of a wider area.'

Policy CS19 states that its strategic objectives are to:

'.....vi) To protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas by working with partners.'

Indicating that important areas of the Districts natural environment, landscape and geology will be protected and enhanced, where appropriate and seeks to maintain and extend natural habitats where appropriate.

The District Planning Authority considers the removal of the large swathe of hedgerow as having a significantly detrimental affect on the existing character and appearance of the area as well as resulting in an unsatisfactory external appearance of the site and for these reasons is contrary to policy DM1.

In addition the removal of the previously existing hedgerow has failed to safeguard an important area of the Districts natural environment and landscape, removing a wildlife habitat and ecology corridor in dramatic circumstance, thus conflicting with the aims and objectives of policy CS19.

5. WHAT YOU ARE REQUIRED TO DO

You are required to replace the removed hedgerow according to the following requirements.

In the area hatched green on the attached plan (approximately 25m) the following will be planted:

2 hawthorn (*Crataegus monogyna*), 1 blackthorn (*Prunus spinosa*), 1 common holly (*Ilex aquifolium*), 1 common hazel (*Corylus avellana*) and 1 field maple (*Acer campestre*) per metre at 1.6m - 1.8m High.

These will be planted in a double staggered row; the whole row mulched with woodchips 500mm each side and 100mm deep, to discourage weeds and retain moisture.

6. TIME FOR COMPLIANCE

The period of compliance shall be 71 days after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 21st November 2019 unless an appeal is made against it beforehand.

Dated: 23rd October 2019

Signed:



Jonathan Hodge
Senior Enforcement Officer
Blaby District Council
Council Offices
Narborough
Leicester
LE19 2EP

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the notice. Please read the attached note from the Planning Inspectorate which accompanies this notice.

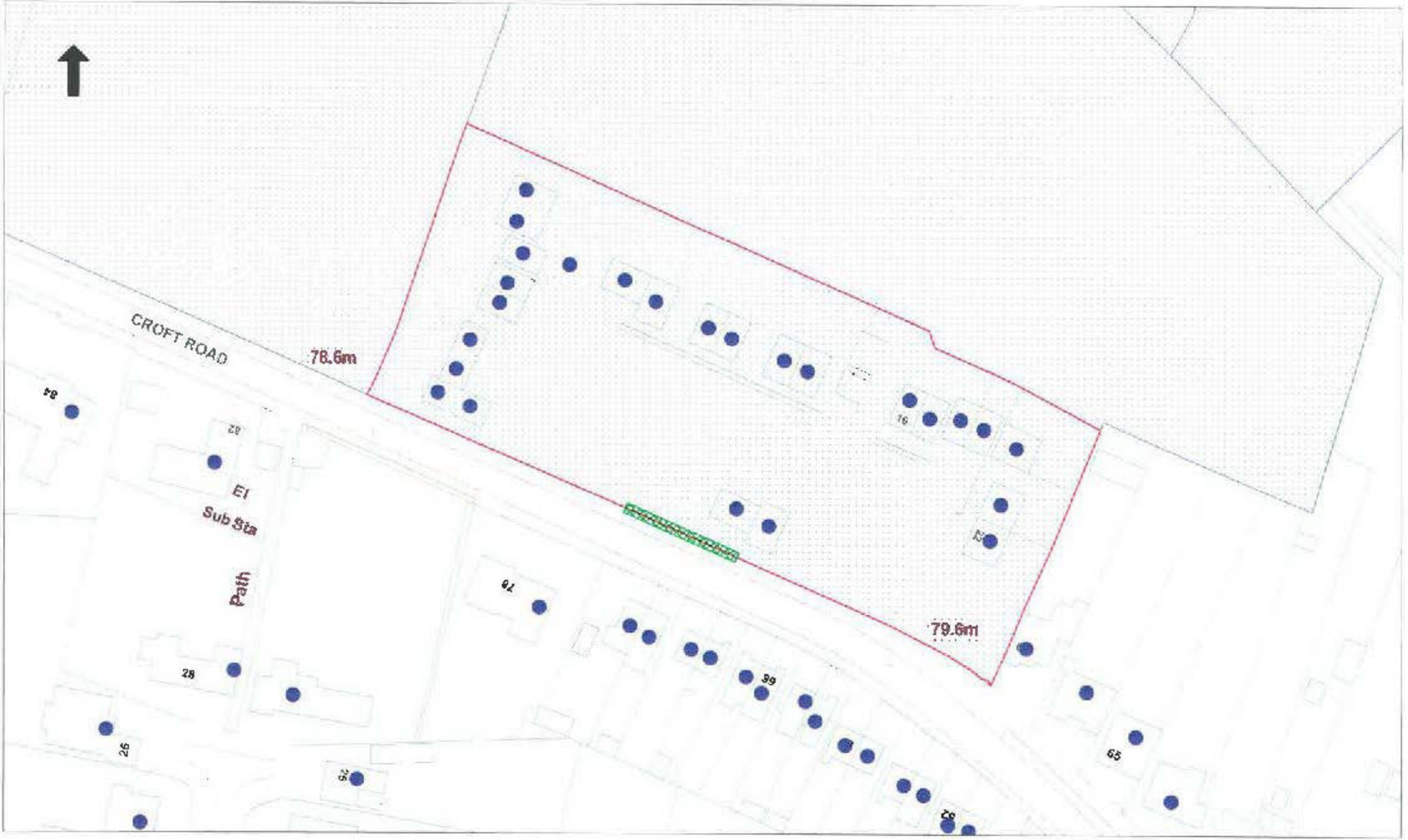
WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council

PERSONS SERVED WITH ENFORCEMENT NOTICE

**Town and Country Planning (Enforcement Notices & Appeals) (England)
Regulations 2002 Part 2, 5(c)**

FAO Company Secretary
Nottingham Community Housing Association Limited
12-14 Pelham Road
Nottingham
NG5 1AP



Scale 1:1000

Map Ref: SP5495SW

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Approximate Location of Hedgerow hatched in green

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**Town and Country Planning (Enforcement Notices & Appeals) (England)
Regulations 2002 Part 2, 5(c)**

FAO Company Secretary
Nottingham Community Housing Association Limited
12-14 Pelham Road
Nottingham
NG5 1AP

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.